

REMARKS

Presently, claims 17-24 are pending in the application. Claims 10-16 were canceled, without prejudice, and replaced with new claims 17-24. No new matter was introduced as a result of the amendments. Support for the amendments may be found, for example, in FIG. 1 and paragraphs [0008] and [0019-20]. Entry of the amendments and favorable reconsideration is earnestly requested.

OBJECTIONS TO THE SPECIFICATION

The specification was objected to for informalities. In light of the present amendments to the specification, Applicant respectfully submits the objectionable matter has been addressed. Withdrawal of the objections is earnestly requested.

OBJECTIONS AND REJECTIONS OF THE CLAIMS UNDER 35 U.S.C. §112

Claims 12-16 were objected to for informalities, and further rejected under the first and second paragraphs of 35 U.S.C. §112. In light of the cancellation of claims 10-16, Applicant respectfully submits the objections and rejections are now moot. Withdrawal of the objections and rejections is earnestly requested.

REJECTION OF THE CLAIMS – 35 U.S.C. §102

Claims 10 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by Bergholtz (US Patent No. 6,260,723). In light of the cancellation of claims 10 and 11, Applicant submits the rejection is moot.

With regard to newly-added independent claim 17, Bergholtz fails to disclose a preform having the features of “a *conically-shaped container* comprising a body . . . wherein the container body *flares continuously outward* from the bottom portion to the top portion, wherein *the degree in which the inner wall flares continuously outward is greater than the degree in which the outer wall flares continuously outward*, resulting in a wall thickness that gradually decreases starting from the bottom portion to the top portion; said bottom portion comprising a convex hemispherical shape; and said top portion comprising a cylindrical neck that includes a flange terminated in a thickened rim.”

Bergholtz discloses a preform for a package for holding liquid products and a snap lid. In the embodiment described in FIG. 4, Bergholtz discloses a cup-like container that comprises a body (6) having two generally cylindrical portions coupled together. This configuration, or any other configuration disclosed in Bergholtz, does not teach a conically-shaped container having a cylindrical neck. More importantly, Bergholtz fails to teach or suggest a configuration where the container body flares continuously outward from a bottom portion to a top portion, where the degree in which the inner wall flares continuously outward is greater than the degree in which the outer wall flares continuously outward, resulting in a wall thickness that gradually decreases starting from the bottom portion to the top portion. In light of the features recited in new independent claim 17 and the arguments provided above, Applicant respectfully submits that Bergholtz does not anticipate claim 17. Since claim 18 is dependent upon claim 17, the claim is allowable for the same reasons.

REJECTIONS OF THE CLAIMS – 35 U.S.C. §103

Claims 12 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bergholtz (US Patent No. 6,260,723) in view of Yoshikawa (US Patent No. 3,785,311). Claims 14-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bergholtz (US Patent No. 6,260,723) in view of Britton (US Patent No. 6,413,467).

Claims 12-16 were canceled and replaced with new dependent claims 19-23. Neither Yoshikawa nor Britton solve the deficiencies of Bergholtz, described above. Regarding Yoshikawa, the document deals with metallic containers, and is not directed to plastic containers or preforms. Additionally, Yoshikawa does not teach or suggest a conically-shaped container having a configuration where the container body flares continuously outward from a bottom portion to a top portion, where the degree in which the inner wall flares continuously outward is greater than the degree in which the outer wall flares continuously outward, resulting in a wall thickness that gradually decreases starting from the bottom portion to the top portion. The same argument applies to Britton as well.

In light of the present amendments and arguments provided above, Applicants respectfully submit the rejections are overcome and should be withdrawn. Applicants respectfully submit that the patent application is in condition for allowance and request an early

Notice of Allowance. The Commissioner is authorized to charge and credit Deposit Account No. 50-1214 for any additional fees associated with the submission of this Response. Please reference docket number 341261-00004.

Respectfully submitted,

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